UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,704	12/01/2000	Alfredo Agnelo Judas Sebastiao do Rosario Botelho	ZEDO-01003US0	4887

23910 7590 03/30/2004	EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 December 2003</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,13-28,30,34,42,44,45,47,53,54,62-68,70-72,76-80,82 and 87-106* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1-9,13-28,30,34,42,44,45,47,53,54,62-68,70-72,76-80,82 and 87-106.

1.   Claims 1-9, 13-28, 30, 34, 42, 44, 45, 47, 53, 54, 62-68, 70-72, 76-80, 82 and 87-

106 have been examined. Application 09/728,704 (DATA PROCESSING SYSTEM FOR

TARGETED CONTENT) has a filing date 12/01/2000 Claims Priority from Provisional

Application 60168853 (12/02/1999) and Claims Priority from Provisional Application

60236673 (09/29/2000).

Claim Rejections - 35 USC § 112

2.   Claim 76 recites the limitation "the apparatus according to claim 1, wherein said

first attribute and said second attribute". There is insufficient antecedent basis for this

limitation in the claim.

Response to Amendment

3.   Applicant cancel claims 10-12, 29, 31-33, 35-41, 43, 46, 48-52, 55-61, 69, 73-75,

81 and 83-86. Applicant amended claims 1, 2, 15, 34, 42, 44, 45, 47, 53, 62, 64, 65, 66,

67, 71, 72, 76, 77. Applicant added claims 87-106. Applicant's amendment necessitated

the new ground(s) of rejection presented in this Office action.   Accordingly, **THIS**

ACTION IS MADE FINAL.   See MPEP § 706.07(a).   Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).   A shortened statutory period

for reply to this final action is set to expire THREE MONTHS from the mailing date of

this action. In the event a first reply is filed within TWO MONTHS of the mailing date of

this final action and the advisory action is not mailed until after the end of the THREE-

MONTH shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action.   In no

event, however, will the statutory period for reply expire later than SIX MONTHS from

the date of this final action.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a
> foreign country or in public use or on sale in this country, more than one year
> prior to the date of application for patent in the United States.

Claims 1, 3-9, 16-18, 20, 21, 23-27, 30, 42, 44, 45, 47, 53, 54, 62 and 63 are

rejected under 35 U.S.C. 102(b) as being anticipated by Reilly et al (U.S. 5,740,549).

As per claim 1, Reilly et al teach:

A method of providing targeted advertising, comprising the steps of:

providing first information in a first category (see figure 10, items 248, 250);

*providing second information with the first information, the second information

indicating a choice of categories for targeted advertising not associated with the first

category* (see figure 10, item 258; figure 5; column 11,lines 52-63; column 12, lines 47-

56; column 13, line 60 – column 14, line 6);

receiving information indicating a user selected category request *from the choice

of categories* for targeted advertising (see column 2, line 47 – column 3, line 24; figure

5; column 4, line 65 – column 5, line 10);

identifying a first advertisement corresponding to said category request (see

column 9, lines 35-61; figure 5) ; and

providing said first advertisement (see column 2, line 61 – column 3, line 25).

As per claim 3, Reilly teaches:

A method according to claim 1, wherein:

said category request includes a request for a category and a subcategory (see

figure 5).

As per claim 4, Reilly teaches:

A method according to claim 1, wherein:

said first advertisement is a banner ad for a web page (see figure 6).

As per claim 5, Reilly teaches:

A method according to claim 4, further comprising:

displaying said advertisement on a client device (see column 2, line 61 – column

3, line 25).

As per claim 6, Reilly teaches:

A method according to claim 4, wherein:

said first attribute is received at a server from a client device and said step of

providing includes communicating said advertisement from said server to said client

device (see column 14, line 62 – column 15, line 40).

As per claim 7, Reilly teaches:

A method according to claim 1, further comprising the steps of:

receiving a second attribute indicating a property of a client device, said step of

receiving information includes receiving a first attribute, said first attribute indicates said

user selected category request and retrieving a third attribute indicating an index, said

step of identifying is based on said second attribute and said third attribute (see figure 5, column 9, line 35-61).

As per claim 8, Reilly teaches:

A method according to claim 7, wherein:

said second attribute is selected by a publisher capable of controlling environmental characteristics of said client device; said first attribute, said second attribute and said third attribute are received from said client device; and said step of providing includes communicating said first advertisement to said client device (see column 6, line 16 – column 8, line 19).

As per claim 9, Reilly teaches:

A method according to claim 7, wherein:

said second attribute is selected by a server; said first advertisement is stored at said server; and said step of providing includes communicating said first advertisement from said server (see columns 7-8).

As per claim 16, Reilly teaches:

A method according to claim 1, further comprising the steps of receiving a request for a next advertisement corresponding to said user selected category request; identifying said next advertisement; and providing said next advertisement (see columns 7-8).

As per claim 17, Reilly teaches:

A method according to claim 1, further comprising the steps of:

receiving a request for a previous advertisement corresponding to said user selected category request; identifying said previous advertisement; and providing said previous advertisement (see column 9, lines 35-61).

As per claim 18, Reilly teaches:

A method according to claim 1, wherein:

said step of providing includes communicating said first advertisement to a client device; and said client device includes an interactive television (see columns 1-2).

As per claim 20, Reilly teaches:

A method according to claim 1, wherein:

said step of providing includes communicating said first advertisement to a client device; and said client device includes a personal information manager (see column 4, lines 22-64).

As per claim 21, Reilly teaches:

A method according to claim 1, wherein:

said step of providing includes communicating said first advertisement to a client device; and said client device includes a computer displaying a web site (see column 13, lines 1-25).

As per claim 23, Reilly teaches:

A method according to claim 1, further comprising the steps of:

displaying a content selection interface at a client, said content selection interface includes a category selection device (see figure 5);

receiving said user selected category request based on said category selection

device (see figure 5); and

communicating said user selected category request from said client to a server,

said server performs said step of receiving a first attribute (see columns 7-9).

As per claim 24, Reilly teaches:

A method according to claim 23, wherein:

said category selection device includes a pull down menu displaying a set of

categories (see figure 5).

As per claim 25, Reilly teaches:

A method according to claim 23, wherein:

said category selection device includes a text box (see figure 5).

As per claim 26, Reilly teaches:

A method according to claim 23, wherein:

said first advertisement is a banner and for a web page (see column 13 and

figure 10).

As per claim 27, Reilly teaches:

A method according to claim 26, further including the steps of:

displaying a first content page, said step of displaying a content selection

interface is part of said step of displaying a first content page; displaying a second

content page; sending a request from said client to said server for a second

advertisement based on said user selected category; and receiving and displaying said

second advertisement on said client, said second advertisement is displayed with said second content page (see figures 6-10)

As per claim 30, Reilly teaches:

A method according to claim 1, wherein:

said step of identifying is performed without making use of user profile information (see figure 5).

As per claim 42, Reilly teaches:

The method of claim 1, wherein the step of providing second information comprises:

displaying the choice of categories in a user interface (see figures 5 and 10; column 2, line 47 – column 3, line 24); and

wherein the step of receiving information indicating the user selected category request comprises receiving the selected category request generated using said user interface and wherein the step of providing said first advertisement comprises displaying the first advertisement corresponding to said user selected category (see figures 5 and 10; column 2, line 47 – column 3, line 24).

As per claim 44, Reilly teaches:

the first information is displayed in a publisher page (see figure 10);

said user interface is displayed in said publisher page (see figure 10; column 6, line 16 – column 8, line 19)); and

said first advertisement is displayed in said publisher page (see figure 10, item 258).

Claim 45 contains the same limitations as claims 6 and 7 therefore the same rejection is applied.

Claim 47 contains the same limitations as claim 7 therefore the same rejection is applied.

As per claim 53, Reilly teaches:

A method according to claim 27, wherein said step of displaying a first content page includes the steps of:

displaying content; determining whether valid selection information exists; displaying a targeted advertisement if valid selection information exists; and displaying a non-targeted advertisement if valid selection information is not found (see column 15, line 19 – column 16, line 60).

As per claim 54, Reilly teaches:

A method according to claim 53, wherein:

said step of determining includes looking for a valid cookie (see column 15).

As per claim 62, Reilly teaches:

An apparatus according to claim 1, wherein:

said step of providing first information comprises displaying a first publisher's page, said step of providing second information indicating a choice of categories comprises displaying a user interface as part of said step of displaying a first publisher's page, said step of displaying a first advertisement includes displaying said first advertisement on said first publisher's page (see figure 10);

displaying a second publisher's page (see figure 10);

sending a request for a second advertisement based on said category (see figure

10, item 250);

receiving said second advertisement (see figure 10, item 258); and

displaying said second advertisement on said second publisher's page (see

figure 10).

Claim 63 contains the same limitations as claim 53 therefore the same rejection

is applied.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

Claims 2 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Reilly et al (U.S. 5,740,549) in view of Markus (U.S. 6,499,042).

As per claim 2, Reilly fails to teach:

A method according to claim 1, wherein:

said step of receiving includes receiving a URL, said URL includes a first attribute

and a second attribute concatenated in said URL; and said step of identifying includes

using at least a portion of said URL to find said first advertisement *generated before*

receiving the URL. However, Markus teaches a system where location identifier, such

as URL and users identifiers store in cookies, are used to send information from user to server computers for the purpose of customizing the user's content (see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Reilly would use the URL to identify the location of advertisements already stored in the server and already generated before receiving the URL and would deliver them accordingly, as taught by Markus. This feature would allow the Reilly system to use URL to send information via the Internet.

Claim 34 contains the same limitation as claims 2 and 7 therefore the same rejection is applied.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (U.S. 5,740,549).

As per claim 13, Reilly teaches:

A method according to claim 7, wherein said first, second and third attributes are stored in one or more cookies (see columns 6-7). Reilly does not expressly mention cookie, however official notice is taken that a cookie is a piece of text that a server can store on a user's hard disk. Cookies allow a Web site to store information on a user's machine and later retrieve it. The pieces of information are stored as name-value pairs. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Reilly would store information as name-value pairs in cookies to have better access to the data.

As per claim 14, Reilly teaches:

A method according to claim 13, wherein:

said one or more cookies reside on a server remote from said client; and said step of providing includes communicating said first advertisement from said server to said client for display on said client (see columns 5-6).

As per claim 15, Reilly teaches:

A method according to claim 13, wherein:

said one or more cookies reside on a client device; and said step of providing includes communicating said first advertisement from a server to said client for display on said client *device* (see columns 6-8).

Claims 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (U.S. 5,740,549) in view of Kolls (U.S. 6,604,087).

As per claim 19, Reilly fail to teach:

A method according to claim 1, wherein:

said step of providing includes communicating said first advertisement to a client device; and said client device includes a mobile computing device. However, Kolls teaches the deliver of advertisements to mobile computing devices (see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Reilly would deliver advertisement to mobile computing devices, as taught by Kolls. This feature would be an improvement to the Reilly system as users can receive target advertisements in different locations.

As per claim 22, Reilly fails to teach:

A method according to claim 1, wherein:

said step of providing includes communicating said first advertisement to a client device; and said client device includes a cellular telephone. However, Kolls teaches the deliver of advertisements to mobile computing devices (see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Reilly would deliver advertisement to mobile computing devices, as taught by Kolls. This feature would be an improvement to the Reilly system as users can receive target advertisements in different locations.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (U.S. 5,740,549) in view of Allport (6,097,441).

As per claim 28, Reilly fails to teach, a method according to claim 26, further comprising the steps of: receiving a vote about said advertisement; adding said vote to a tally of votes; and providing information about said tally of votes. However, Allport teaches a system where users can vote on the likes or dislikes on programs or advertisements (see column 12). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that users of the Reilly system would vote on the like or dislike of programs or advertisements, as taught by Allport. This feature would be used to determine the success of the target advertisements.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 64-68, 70-72, 77-80, 82 and 104-106 are rejected under 35 U.S.C. 102(e) as being anticipated by Gupta et al (U.S. 6,487,538).

As per claim 64, Gupta teaches:

A method for locating content, comprising *using a client remote from a server to perform the following steps:*

retrieving a set of two or more attributes from at least one cookie; combining said attributes; forming a URL, said URL includes said combined attributes; and communicating said URL to a server in order to access content (see column 4, line 66 – column 5, line 64; columns 9-10).

As per claim 65, Gupta teaches:

A method according to claim 64, further comprising *using the client remote from the server to perform the further* steps of:

receiving said content in response to said step of communicating; and reporting said content (see column 4, line 66 – column 6, line 45).

As per claim 66, Gupta teaches:

A method according to claim 64, further comprising the steps of:

finding said content at said server, said URL includes an explicit identification of a location within a file system to find said content, said step of finding uses said explicit identification; transmitting said content from said server to said client, said steps of combining and forming are performed by said client; and displaying said content on said client (see column 4, line 66 – column 6, line 45; columns 9-10).

As per claim 67, Gupta teaches:

A method according to claim 64, wherein:

said attributes comprise category information, an index for said category information and one or more properties, *wherein the index identifies different advertisements including at least a first advertisement and a second advertisement* (see columns 10-11).

As per claim 68, Gupta et al teach:

A method according to claim 64, wherein:

said attributes include a first attribute and a second attribute; said URL includes an identification of a host, said first attribute and said second attribute; and said URL includes an explicit identification of a location within a file system to find said content (see column 4, line 66 – column 6, line 45; columns 9-10).

As per claim 70, Gupta et al teach:

A method according to claim 64, wherein:

said attributes include a first attribute and a second attribute; and said first attribute and said second attribute are stored in one or more cookies (see column 4, line 66 – column 6, line 45).

As per claim 71, Gupta et al teach:

A method according to claim 64, wherein:

said one or more cookies reside on said client device (see column 4, line 66 – column 6, line 45)

As per claim 72, Gupta et al teach:

A method according to claim 64, wherein:

said one or more cookies reside on said server (see column 4, line 66 – column 6, line 45).

As per claim 77, Gupta et al teach:

A method for providing content, comprising the steps of:

determining whether one or more cookies store valid attribute data *at a server based on a URL code provided to the server without use of cookies*; and providing targeted content if said step of determining concludes that one or more cookies store valid attribute data (see column 4, line 66 – column 5, line 67) and

providing alternate content without creating a further URL if said step of determining does not conclude that one or more cookies store valid attribute data (see columns 11-12).

As per claim 78, Gupta et al teach:

A method according to claim 77, further comprising the step of providing alternate content if said step of determining does not conclude that one or more cookies store valid attribute data (see column 4, line 66 – column 5, line 67).

As per claim 79, Gupta et al teach:

A method according to claim 78, wherein said step of providing targeted content includes the steps of:

adding said valid attribute data to a URL, said valid attribute data includes data from two or more cookies; communicating said URL to a server; receiving said targeted content from said server; and displaying said targeted content (see column 4, line 66 – column 5, line 67) .

As per claim 80, Gupta et al teach:

A method according to claim 78, wherein:

said targeted content is a first advertisement pertaining to a first category; said valid attribute data corresponds to said first category; and said alternate content is a second advertisement that is not sorted by a category pertaining to said valid attribute data (see column 9, line 53 – column 10, line 63).

As per claim 82, Gupta et al teach:

A method according to claim 77, wherein:

said valid attribute data includes a first attribute, a second attribute and a third attribute; said first attribute is stored in a first cookies; said second attribute is stored in a second cookie; and said third attribute is stored in a third cookie (see column 4, line 66 – column 6, line 45).

As per claim 104, Gupta teaches:

A method for locating content, comprising:

using a client browser remote from a server to perform the following steps:

retrieving a set of one or more attributes (see columns 10-11);

combining said attributes (see columns 10-11);

forming a URL, said URL includes said combined attributes and communicating

said URL to a server in order to access content (see columns 10-11; column 12, lines

22-41).

As per claim 105, Gupta teaches:

The method of claim 104 wherein the following steps are performed by a user

and provided to the client prior to the step of retrieving one or more attributes:

selecting a category (see columns 10-11); and

providing the category to the client for use in forming the URL (see columns 10-

11).

As per claim 106, Gupta teaches:

The method of claim 104 wherein the content comprises an advertisement (see

column 11, lines 1-13).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly

(U.S. 5,740,549) in view of Gupta (U.S. 6,487,538).

As per claim 76, Reilly fails to teach:

An apparatus according to claim 1, wherein:

said first attribute and said second attribute are stored in separate cookies. However, Gupta teaches that "cookies are small pieces of information that can later be read from a browser. When a web site is accessed, a cookie is sent by the web site identifying itself to the web browser. Based on the information retrieved from the cookie, a local advertisement targeted to the specific user's interests is provided" (see column 5, lines 1-10). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Reilly would store information related to targeting advertisement in separate cookies, as taught by Gupta. Storing targeting characteristics in different cookies would not patentably distinguish the claimed invention from the prior art.

Claims 87-90 and 93-98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta (U.S. 6,487,538) in view of Reilly (U.S. 5,740,549).

As per claim 87, Gupta teaches:

A method of providing targeted advertising, comprising the steps of:

generating a URL to identify the selected category (see columns 10-11);

providing the URL to a remote server (see columns 10-11);

receiving a first advertisement corresponding to the selected category from the server; and displaying the first advertisement (see columns 10-11).

Reilly teaches:

displaying a first publisher's page containing first information (see figure 10);

displaying a choice of categories to enable selection of second information not identified from the first information along with the display of the first publisher's page (see figures 5-10);

receiving a selected category from the choice of categories for the targeted advertising from a user (see figures 5 and 10);

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Reilly would use the URL to determine the characteristics of the advertisement that would be targeted to the user, as taught by Gupta. This feature would allow the Reilly system to use URL to send information via the Internet.

As per claim 88, Gupta teaches:

The method of claim 87, wherein the steps are performed by a client located remotely from a server (see column 3, lines 1-44).

As per claim 89, Gupta teaches:

The method of claim 88, wherein the first advertisement is stored in a memory prior to the step of providing the URL to the remote server, and wherein the step of displaying the first advertisement comprises displaying the first advertisement as stored in memory unaltered (see column 11, lines 1-13).

Claim 90 contains the same limitation as claim 77 therefore the same rejection is applied.

As per claim 93, Gupta teaches:

The method of claim 87, further comprising:

generating the URL code to define information at the client end (see columns 10-11);

determining if the URL code identifies a category where no ads are stored at the server end, and serving a first ad targeted in the category when ads are stored, and serving a second ad not in the category if no ads are stored in the category identified (see column 11, lines 1-41).

As per claim 94, Gupta teaches:

The method of claim 93, wherein the URL code generated to defines a category which is not a default non-targeted information is identified by the server (see column 5, lines 1-35).

As per claim 95, Gupta teaches:

The method of claim 87, wherein the step of generating a URL to identify the selected category includes providing information specifying dimensions of an advertisement (see column 12, lines 42-45; column 4, lines 19-25).

As per claim 96, Gupta teaches:

A method of claim 87, further comprising the steps of: providing targeted advertising, comprising the steps of:

receiving at the server a given advertisement for serving with a number of serves credited (see column 14, line 63 – column 15, line 17);

storing the advertisement under a URL identified by a given one of the choice of categories (see column 14, line 63 – column 15, line 17; column 16, lines 21-34);

decrementing the number of serves when the given advertisement is provided for

the step of receiving a first advertisement corresponding to the selected category from

the server (see column 14, line 63 – column 15, line 17).

As per claim 97, Gupta teaches:

The method of claim 96, further comprising the steps of:

receiving at the server additional advertisements with different numbers of serves

credited for the advertisements (see column 14, line 63 – column 15, line 17);

storing the additional advertisements under the URL identified by the given

choice of categories (see column 14, lines 19-67);

serving adds in an order based on the highest number of serves credited when

the URL identifying the given choice of categories is received (see column 14, line 63 –

column 15, line 19).

As per claim 98, Gupta teaches:

The method of claim 87 further comprising the step of:

receiving a second advertisement a period of time after receipt of the first

advertisement when an additional request for one of the choice of categories is not

received during the period of time (see column 16, lines 7-20).

Claims 91 and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Gupta (U.S. 6,487,538) in view of Reilly (U.S. 5,740,549) and further in view of

Covert et al (U.S. 6,334,117).

As per claim 91, Gupta fails to teach:

The method of claim 89, wherein the step of generating a URL is performed by a client using Java Script. However, Covert teaches a browser that is connected with the Java environment software which executes instructions in the embedded Java script and serve as an HTML document handling software portion for transmitting and receiving HTML documents and TCP/IP messages (see column 8, lines 49-60). The Java Applets and Java scripts are loaded from a central location providing selective software distribution, which may be used to target materials to client computers (see column 11, lines 21-45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Gupta would use the URL to identify the location of advertisements already stored in the server and would use Java enabled browsers for the purpose of targeting advertisement to client computers. Java language programs have the advantage that are functional on a variety of hardware platforms without the need of any modification, making the Java environment browser well suited to many computer systems.

As per claim 92, Gupta fails to teach:

The method of claim 91, wherein Java Script is executed by a web browser. The same rejection applied to claim 91 is applied to claim 92.

Claims 99-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta (U.S. 6,487,538) in view of Covert et al (U.S. 6,334,117).

As per claim 99, Gupta teaches:

A method for locating content, comprising:

using a client remote from a server to perform the following steps:

combining said attributes (see column 12, lines 21-41);

forming a URL, said URL includes said combined attributes; and communicating said URL to a server in order to access content (see column 12, lines 21-41).

Gupta fails to teach retrieving a set of one or more attributes using Java Script. However, Covert teaches a browser that is connected with the Java environment software which executes instructions in the embedded Java script and serve as an HTML document handling software portion for transmitting and receiving HTML documents and TCP/IP messages (see column 8, lines 49-60). The Java Applets and Java scripts are loaded from a central location providing selective software distribution, which may be used to target materials to client computers (see column 11, lines 21-45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Gupta would use the URL to identify the location of advertisements already stored in the server and would use Java enable browsers for the purpose of targeting advertisement to client computers. Java language programs have the advantage that they are functional on a variety of hardware platforms without modification, making the Java environment browser well suited to any user's computer.

As per claim 100, Gupta fails to teach

The method of claim 99 wherein the following steps are performed prior to the step of retrieving one or more attributes:

selecting a category;

providing the category to the client for use by the Java Script to form the URL.

However, the same rejection that was applied to claim 99 is applicable to Claim

100 and is applied here accordingly.

As per claim 101, Gupta teaches:

The method of claim 100, wherein:

the step of selecting a category is performed by a web publisher and the step of

providing the category is performed by the web publisher by specifying the category on

a web page (see columns 10-11).

As per claim 102, Gupta teaches:

The method of claim 99, wherein the step of forming a URL includes using an

attribute information specifying dimensions (see column 16, lines 20-35).

As per claim 103, Gupta teaches:

The method of claim 99, wherein the content comprises an advertisement (see

column 15, lines 1-19).

Response to Arguments

8.   Applicant's arguments with respect to claims 1-9, 13-28, 30, 34, 42, 44, 45, 47,

53, 54, 62-68, 70-72, 76-80, 82 and 87-106 have been considered but are moot in view

of the new ground(s) of rejection. The Applicant argues that Reilly does not disclose

providing an advertisement with a choice of categories not associated with a category of

the information displayed with the advertisement choices. The Examiner answers that

Reilly teaches a data viewer (figure 10) that displays in one window or frame one

category, such as news or weather (see figure 10, item 248) and in another window or

frame, it displays another category for targeted advertisement, not associated with the

first category (see figure 10, item 258; column 11, lines 52-64; column 12, lines 46-56;

column 13, line 60 – column 14, line 6).

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action.   Accordingly, **THIS ACTION IS MADE FINAL**.   See MPEP

§ 706.07(a).   Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.   In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.   In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-

5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, ERIC W STAMBER can be reached on 703-305-8469.   The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Daniel Lastra
February 28, 2004